IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4773 OF 2006

1. Shri Gorakh Shantaram Gaikwad & Ors. .. Petitioners.

V/s.

Shri Narayan Pandurang Bhagwan, since deceased through his LRS:
1A. Sharad Narayan Bhagwan & Ors. .. Respondents.

Ms. Indrayani Koparkar i/by N.P.Deshpande for the Petitioners.

Mr.Anil Subramaniam for the Respondent No.1A.

CORAM : S. A. BOBDE, J.

DATED : 26th JULY, 2007.

P.C. :-

. Heard. Rule, returnable forthwith by consent of the parties.

2. Since the only reason given by the learned trial court that the application was not accompanied by an affidavit, it seems appropriate in the interest of justice to pass the following order :

i. The impugned order dated 06.03.2006 is hereby set aside.

ii. The petitioner shall be entitled to file application for amendment alongwith the affidavit in support thereof, which shall be considered by the learned trial Judge on merit.

3. Rule is made absolute in the above terms.

(S.A.BOBDE,J.)

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